

STAFF REPORT

DATE: June 24, 2020

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T20SA00161

**C10-20-03 PRIMAVERA FOUNDATION NEW TWO-STORY OFFICE BUILDING
PRIMAVERA FOUNDATION / 702 SOUTH 6TH AVENUE / C-3**

The property is an approximately 13,374 square foot lot zoned C-3 and is developed with a two-story emergency services building. The applicant is proposing to demolish the existing building and replace it with a new two-story office building.

THE APPLICANT'S REQUEST TO THE BOARD

The applicant is requesting the following variances:

- 1) To modify and/or delete the required street landscape border along 6th and Stone Avenues and 17th Street; and
- 2) Allow the number of required on-site vehicle parking spaces to be reduced from 34 to 7 spaces, all as shown on the submitted plans.

APPLICABLE TUCSON ZONING CODE SECTIONS

Tucson *Unified Development Code (UDC)* sections applicable to this project include, in part, the following:

Section 4.7.22 *Commercial Zone (C-3)* and Table 4.8-4 *Permitted Uses – Commercial and Mixed Use Zones*, which provides the use criteria in the C-3 zone,

Section 7.4.4 *Required Number of Motor Vehicle Parking Spaces*, which provides the minimum standards for the required number of vehicle parking spaces, and

Section 7.6.4 *Landscape Standards*, which provides the standards for the installation and maintenance of landscaping.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED C-3; (administrative office)

North: Zoned C-3; (undeveloped lot, single-family residential)

South: Zoned C-3; (multi-family residential)

East: Zoned HC-3; (single-family residential)

West: Zoned C-3; (vacant commercial building)

RELATED PLAN REVIEWS

Engineering

The Engineering Section of Planning and Development Services Department has no objection/adverse comments.

Design Review Board (DRB)

Zoning regulations require requests for landscaping and/or screening variances to be reviewed by the DRB for recommendation to the Board of Adjustment. The variance request was reviewed by the DRB (Case DRB-20-02) on June 12, 2020. The DRB recommends approval of the variance request to modify and/or delete the required street landscape border along 6th and Stone Avenues and 17th Street.

BOARD OF ADJUSTMENT FINDINGS

The Board of Adjustment can hear and decide a variance request from the regulations listed in the Unified Development Code. The Board may grant a variance only if it finds the following:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property.
3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC.
5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood.
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions which are in question.

ZONING ADMINISTRATION CONSIDERATIONS

The property is an approximately 13,374 square foot lot zoned C-3 and is developed with a two-story building that houses Primavera Foundation's Emergency Services Center. The applicant is proposing to demolish the existing building and replace it with a new two-story building. The construction triggers compliance with Tucson *Unified Development Code (UDC)* sections applicable to the new construction.

Street Landscape Borders

Per *UDC* Section 7.6.4, street landscape borders must be a minimum of ten feet wide as measured from the street property line. The applicant is requesting a variance to allow portions of the landscape border, at varied widths, to be located in the right-of-way along 17th Street, Stone Avenue and 6th Avenue.

Vehicle Parking

Per *UDC* Section 7.4.4, the required number of vehicle parking spaces is 34. The applicant is requesting a variance to reduce the required number of vehicle parking spaces to 7.

Discussion

The site is located on the south side of 17th St, between Stone and 6th Avenue, and is within the Armory Park National Historic District, however, it is not within the boundaries of the historic overlay zone. The existing Primavera Emergency Services Center building is aging and needs to be replaced so that the mission of Primavera can continue and be supported by a facility that will meet their needs. The facility has become a beacon and a familiar community resource to those in need of its services and therefore should remain at this location.

The property is an unusual shape and bounded by three street frontages. The design of the building takes into consideration the historic value of the neighborhood. The two-story portion fronts along 6th Avenue and 17th Street as it has in the past and the courtyard and one-story portion of the building will front 17th Street, which will allow the parking to be located behind the building where it is not visually noticeable. The required street landscape borders would consume 26% of the site, and the required 34 spaces would cover more than half of the site. If the project were designed to meet compliance with parking and landscaping, then the property would be out of character with the historic fabric of the neighborhood and the building itself would not be able to support the mission of Primavera. The applicant proposes to provide most of the landscaping in the right-of-way, courtyard and other areas of the site which will actually increase the total amount of landscaped area versus what is required by code. The applicant has indicated that the Department of Transportation does not object to the landscape in the right-of-way. Primavera will also undertake a company program which will encourage employees to reduce the use of vehicles which will further reduce parking.

Conclusion

Given that there are special circumstances such as the lot being bounded by three street frontages; and that replacing the aging building with one that will add value to the community and still be accessible to those in need is not self-imposed; and that the applicant will provide more than the required area of landscaping and will

undertake a program that will help reduce the use of vehicles by their employees therefore requesting the minimum necessary to afford relief, staff can support the requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANT)

See the attached neighborhood notification dated April 24, 2020, and the summary of the virtual meeting dated May 14, 2020.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff recommends approval of the applicant's requested variances.

It is staff's opinion that there are physical circumstances applicable to the property; and because of special circumstances applicable to the property, it cannot reasonably be developed in conformity with the provisions of the *UDC*; and would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

Mark Castro, Lead Planner
for
Russlyn Wells, Zoning Administrator

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